

REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Claims 4-13 were pending in this application when examined. By this Amendment, claims 8-9 are amended, and claims 4-7 and 10-13 are cancelled.

Claims 8 is amended to recite “A method for inhibiting lipase...”, and to make minor editorial changes. “L” in the “LUU type triacylglycerol” and “UUL type triacylglycerol” is amended to recite “a long-chain saturated fatty acid having 22 carbon atoms”.

Claim 9 is amended to recite “A method for inhibiting lipid absorption...”

Support for the amendments to claims 8 and 9 can be found in page 5, lines 1-17, page 22, lines 5-14 and page 25, line 14 – page 26, line 10 of the specification.

I. Telephonic Interviews

Applicants appreciate the courtesies extended to Applicants’ representative by Examiner Betton, Examiner Chong and Supervisory Examiner Padmanabhan during several telephonic interviews held from June 2009 – September 2009. Moreover, Applicants appreciate the Examiners’ willingness to reconsider the rejections in the Office Action mailed March 24, 2009, and to reopen prosecution.

II. Claim Rejections Under 35 U.S.C. § 112

The Examiner rejects claims 8 and 9 under 35 U.S.C. § 112, second paragraph, as being indefinite. As applied to the amended claims, Applicants respectfully traverse the rejections.

The Examiner indicates that it is unclear whether one compound or a combination of compounds are being claimed. Claims 8 and 9 are amended to recite “containing as the active ingredient at least one ingredient selected from the group consisting of an LUU type triacylglycerol and a UUL type triacylglycerol”. Accordingly, one of ordinary skill in the art would understand that the active ingredient can be an LUU type triacylglycerol or a UUL type triacylglycerol, or both types of triacylglycerols.

The Examiner also states that “LUU type and UUL type triacylglycerols” renders the claim indefinite because it is the same compound, and that reading the long chain fatty acid moieties left to right or right to left does not change the structure of the compound.

When 1 and 3-positions of a triglyceride molecule are occupied by different fatty acids, then the carbon atom in the 2-position is an asymmetric carbon atom. **Therefore, an LUU type triacylglycerol and a UUL type triacylglycerol are enantiomers of each other.** One of ordinary skill in the art would recognize that enantiomers are different compounds, and would therefore recognize that an LUU type triacylglycerol and a UUL type triacylglycerol are different compounds.

Claims 8 and 9 are also amended to specifically recite that L represents a long-chain saturated fatty acid having 22 carbon atoms, and that U represents an unsaturated fatty acid having 16 to 22 carbon atoms.

Accordingly, amended claims 8 and 9 are definite. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

III. Claim Rejections Under 35 U.S.C. § 102

The Examiner rejects claims 8 and 9 under 35 U.S.C. § 102(b) as being anticipated by Daubert et al.; rejects claims 8 and 9 under 35 U.S.C. § 102(b) as being anticipated by Minor et al.; and rejects claims 8 and 9 under 35 U.S.C. § 102(b) as being anticipated by Harwood. As applied to the amended claims, Applicants respectfully traverse the rejections.

The Office Action states that **Minor et al.** disclose the synthesis of unsymmetric dioleomonosaturated triglycerides (see Office Action, page 4, lines 18-19). However, during a telephonic interview, Examiner Chong stated that “Minor et al.” should have been “Daubert et al.” in line 18.

Claims 8-9 are amended to recite “method” claims. Daubert et al., Minor et al. and Harwood each do not teach a **method** for inhibiting lipase or a **method** for inhibiting lipid absorption, as recited in claims 8 and 9.

Moreover, the references do not teach **an LUU type triacylglycerol and a UUL type triacylglycerol**, wherein L represents a long-chain saturated fatty acid having 22 carbon atoms and U represents an unsaturated fatty acid having from 16 to 22 carbon atoms, in a method for inhibiting lipase or a method for inhibiting lipid absorption.

Accordingly, the references do not disclose each and every feature of claims 8 and 9. Therefore, claims 8 and 9 are not anticipated by any of the references.

Moreover, none of the references suggest that **an LUU type triacylglycerol and a UUL type triacylglycerol**, wherein L represents a long-chain saturated fatty acid having 22 carbon atoms and U represents an unsaturated fatty acid having from 16 to 22 carbon atoms, have the effect of inhibiting lipase or the effect of inhibiting lipid absorption. Accordingly, claims 8 and 9 also would not have been obvious over the references.

IV. Conclusion

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the applied references.

Therefore, in view of the foregoing amendments and remarks, it is submitted that the rejections set forth by the Examiner have been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Toshiharu ARISHIMA et al.

/Andrew B.

By Freistein/

Digitally signed by /Andrew B.
Freistein/
DN: cn=/Andrew B. Freistein/, o=WLP,
ou=WLP, email=afreistein@wenderoth.
com, c=US
Date: 2009.12.22 13:52:51 -05'00'

Andrew B. Freistein
Registration No. 52,917
Attorney for Applicants

ABF/vah
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
December 22, 2009